

REQUEST FOR COUNCIL ACTION

MEETING
DATE: 1/22/03

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AGENDA SECTION: Consent Agenda	ORIGINATING DEPT: CITY ADMINISTRATOR	ITEM NO. D-3
ITEM DESCRIPTION: Amendment to City's Banner Policy		PREPARED BY: T. SPAETH

The City Attorney recently indicated that a growing trend across the country is that banner requestors are suing cities over their banner policies. That has prompted staff to review the City of Rochester's banner policies to ensure that the policy's eligibility criteria and other standards are clearly spelled out.

The staff has suggested several changes (underlined on the attached resolution) to the policy to help prevent situations where a banner requestor would prevail in a suit filed against the City regarding banner policies.

The added provisions indicate the following:

- That a "city sponsored" event is a purpose for which a banner could be utilized.
- That only clearly defined locations are eligible for banner placement (locations spelled out in resolution)
- That the sponsoring organization is solely responsible for installation and maintenance
- That the banner may not be used for predominantly religious, political or commercial messages
- That banners may not be hung from utility poles or skyway bridges

COUNCIL ACTION REQUESTED:

A motion to adopt resolution amending the City's banner policies as indicated.

COUNCIL ACTION: Motion by: _____ Second by: _____ to:

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RESOLUTION

WHEREAS, the City of Rochester has received numerous requests from the public for permission to hang banners over or within the public right-of-way at various locations within the City; and,

WHEREAS, the Common Council wishes to authorize the City Clerk to respond to these inquiries and to grant permission to hang a banner when the request satisfies the below-described conditions.

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of Rochester that the City Clerk may approve the use of public right-of-way for banner display if the requested use satisfies the following conditions:

1. Application

Parties wishing to display a banner at a permitted location will make an application for a revocable permit to the City Clerk. Each application must include the following:

- a) The name, address and phone number of the sponsoring organization and a contact person.
- b) The time period, location and message of the banner display.
- c) Evidence of liability insurance
- d) A hold harmless agreement in favor of the City which is acceptable to the city attorney.
- e) The name of the licensed sign installer who will hang the banner.
- f) Written permission from the property owner of the building to which the sign will be attached.

2. Eligibility

Only city-sponsored or non-profit organizations will be allowed to display a banner at a permitted location. A banner may be displayed only for the following purposes:

- a) To advertise an event sponsored by a city-sponsored or non-profit organization;
- b) To advertise a fundraising activity for a city-sponsored or non-profit sponsoring organization; or
- c) To recognize a special day, week or month.

3. Additional Restrictions

The following restrictions shall apply to all banners:

- Added Language
- a) The banner shall identify only the name of the sponsor, the event, and the date(s) of the event.
 - b) The banner may not be displayed longer than two weeks.
 - c) A sponsoring organization is limited to one banner for one event per calendar year.
 - d) Permits will be issued on a first come, first serve basis.
 - e) City employees will not install banners for non-city sponsored events.
 - f) The banner may be displayed only at the following permitted locations: Intersection of First Avenue S.W., and Third Street S.W.; Along Second Street S.W., between Broadway and Fourth Avenue S.W.
 - g) The sponsoring organization is solely responsible for the banner's installation, maintenance and removal. If the sponsoring organization fails to properly install, maintain or remove the banner, the City will do so at the sponsoring organization's expense.
 - h) The banner may not be used to deliver a predominately political, religious, commercial or for profit message.
 - i) No banner may be hung from any utility pole, utility pole fixture or pedestrian skyway bridge.

BE IT FURTHER RESOLVED that any person or entity aggrieved by a decision of the City Clerk to not issue a revocable permit may appeal the issue to the Common Council.

BE IT FURTHER RESOLVED that the City Clerk may prepare those forms and other documents necessary to implement this resolution.

BE IT FURTHER RESOLVED that the Common Council hereby rescinds Resolution #014-96.

PASSED AND ADOPTED BY THE COMMON COUNCIL OF THE CITY OF
ROCHESTER, MINNESOTA, THIS _____ DAY OF _____, 2002.

PRESIDENT OF SAID COMMON COUNCIL

ATTEST: _____
CITY CLERK

APPROVED THIS _____ DAY OF _____, 2002.

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